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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,612	11/04/2003	Laurence B. Saidman	NOR-1114	6511
37172 7590 12/27/2007 WOOD, HERRON & EVANS, LLP (NORDSON) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER GANEY, STEVEN J	
			ART UNIT 3752	PAPER NUMBER
			NOTIFICATION DATE 12/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/700,612

Applicant(s)

SAIDMAN ET AL.

Examiner

Steven J. Ganey

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 112707.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **SUPPLEMENTAL DETAILED ACTION**

1. The declaration under 37 CFR 1.132 filed August 28, 2007, is sufficient to overcome the rejection of claims 1, 2, 4, 5, 120, 11 and 13 based upon Matsunaga et al applied under 35 U.S.C. 102(b).

2. The indicated allowability of claims 6-9 are withdrawn in view of the newly discovered reference(s) to WO9954057 and Keller et al. Rejections based on the newly cited references follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by WO9954057.

WO9954057 discloses a method of dispensing liquid comprising all the featured steps of the instant invention, note specifically dispensing liquid from an outlet 76; discharging air from an air outlet 84 and pulsing (controlled and intermittent) the air to cause the liquid to move in a desired pattern as an attenuated continuous stream, see page 16, lines 2-4 and lines 9-11.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-6, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO9954057.

WO9954057 discloses all the featured elements of the instant invention, as discussed above, and further defines first and second liquid discharge outlets 76 and an air discharge outlet between the liquid outlets, except for the specific disclosure of an air valve and controller. Note on page 13, line 21 through page 14 line 2, where it is disclosed that the air source may be a compressor or any other suitable source for delivering pressurized air to the material dispensing head 8 as will be appreciated by those skilled in the art and on page 16, lines 204 where it is disclosed that the pressurized air source provides controlled, continuous or intermittent air supply. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the apparatus of WO9954057 would have an air valve coupled with a controller operable to actuate the valve, since it is disclosed that any other suitable source for delivering pressurized air can be provided and the pressurized air is provided in a controlled and intermittent way. The only way such delivery of the pressurized could be provided would be through the use of an air valve and a controller.

As to claims 4 and 13, the number of cycles per second would depend on what intermittent rate the apparatus is set for to supply the pressurized air and the apparatus of

WO9954057 would be capable of providing pressurized air at the rates claimed and operate successfully.

As to claims 5 and 6, note that it is disclosed that the air can be provided in a controlled intermittent way, therefore, such open, closed and intermediate positions of the air valve would be within the realm of the apparatus of WO9954057 in order to provide such a controlled intermittent pressurized air supply.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO9954057 in view of Keller et al.

WO9954057, as discussed above, discloses all the featured elements of the instant invention, except for the inclusion a hot air manifold with a flat heater. Keller et al discloses an apparatus for dispensing a liquid material as an attenuated continuous stream comprising a dispensing module/nozzle 50 coupled to a hot air manifold/heater 41 with an air valve 18 positioned between the source of air 19 and the nozzle 50. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hot air manifold/heater in the apparatus of WO9954057, as taught by Keller et al, since with such a modification the temperature of liquid being dispensed is not effected by the temperature of the air which surrounds/impinges on it. Such a temperature change could effect(i.e. cool) the fluidity of the liquid being dispensed from the hot melt adhesive system.

As to claim 8, the type of heater provided is a matter of design, choice and any heater whether it is a flat heater or other type of heating means would perform equally as well in the apparatus of WO9954057, as modified by Keller et al.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 2-11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riney et al discloses a dispensing liquid apparatus with an air source having a valve for controlling the air source.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 9:00-5:00; Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven J. Ganey/  
Primary Examiner  
Art Unit 3752

sjg  
12/20/07